

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Zhong Dong et al		
Assignee:	ProMOS Tech. Inc.		
Title:	METHOD OF FORMING ONO-TYPE SIDEWALL WITH REDUCED BIRD'S BEAK		
Serial No.:	10/821,100	Filing Date:	April 7, 2004
Examiner:	Vu David	Group Art Unit:	2818
Docket No.:	M-15295 US	Confirmation No.:	8965

San Jose, California  
September 13, 2007

Mail Stop AF  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Dear Sir:

Pursuant to 35 USC §134, Applicant in the above captioned matter is dissatisfied with the decision of the Examiner to not allow Applicant's application for a patent and hereby appeals to the Board of Appeals and Patent Interferences from said decision.

Jurisdiction passes to the Board of Appeals pursuant to the combination of 35 USC §134 and §132. Applicant has received at least two notices of rejection of one or more claims during the course of Applicant's persistence in trying to obtain a patent, where grant of the latter is a statutory entitlement pursuant to 35 USC §102.

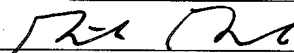
The decision of the Examiner to not allow a patent, and from which decision

Applicant appeals, appears to include at least the following parts:

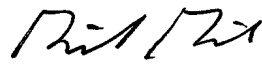
- (1) Decision to finally reject Claims 1-15 and 21-28 (Final action of 7/13/2007);
- (2) Decision to not provide Applicant with sufficient notice, including reasons and information pursuant to 35 USC §132 (Advisory action dated 8/24/2007); and

- (3) Decision to not provide findings of fact based on the preponderance of evidence in the record and reasons in support of the findings based on the totality of Applicant's submissions (evidence and argument by counsel).

The Commissioner is authorized to charge the fee for filing Notice of Appeal and to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims or petitions as may be required.

<p align="center"><b>CERTIFICATE OF EFS-WEB TRANSMISSION</b></p> <p>Certificate of Transmission: I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's EFS-Web electronic filing system on</p> <p><u>9-14-07</u> (Date).</p> <p>Typed or printed name of person signing this certificate:</p> <p><u>Gideon Gimlan</u></p> <p>Signature: <u></u></p>
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Respectfully submitted,

  
Gideon Gimlan  
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